

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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CIVIL MINUTES - GENERAL

Case No.	CV 06-4271 CAS (JWJx)	Date	April 16, 2009
Title	FIDELITY NATIONAL FINANCIAL, INC., ET AL. v. COLIN H. FRIEDMAN, ETC., ET AL.		

Present: The Honorable		CHRISTINA A. SNYDER	
Catherine Jeang	Not Present		N/A
Deputy Clerk	Court Reporter / Recorder		Tape No.
Attorneys Present for Plaintiffs:		Attorneys Present for Defendants:	
Not Present		Not Present	

Proceedings: (In Chambers:) Order Re: Appointment of Receiver

The Court is in receipt of the declaration of David M. Bass Regarding Appointment of Successor Trustee for Trust Defendants, filed April 13, 2009; and Plaintiffs' Response to the Bass Declaration, filed April 14, 2009. The Court is prepared to appoint Joseph Etienne as trustee, and to permit the Trust to pay the trustee at the rate of \$175 per hour.

However, plaintiffs request that the successor trustee estimate the fees and other expenses he contemplates will be charged against Trust assets between the date of appointment and trial. The Court finds this request to be reasonable. Furthermore, the Court will not permit the trustee to use assets of the Trusts to pay an attorney to defend the Trusts in this action, without first reviewing a budget estimating the amount of those fees. Furthermore, the Court will only permit the trustee to use Trust assets to pay an attorney to defend the Trusts in the instant action, not in any other pending action.

Therefore, the Court orders defendants and/or Mr. Etienne to submit to the Court a budget, which shall include (1) an estimate of the trustees' fees and other expenses that will be charged against Trust assets from the date of appointment of the trustee through trial and (2) an estimate of the amount of attorneys' fees reasonably necessary for the Trust's defense in this action that will be charged against Trust assets, from the date of appointment of the trustee through trial. The budget for attorneys' fees shall include an

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estimate of the number of hours per month needed to prepare for trial in this action, and the attorneys' hourly rate. This budget is to be submitted to the Court on or before April 27, 2009.

IT IS SO ORDERED

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Initials of Preparer	CMJ		